

INDEX

- Albright, Spencer, cited, 75
- ALDERFER, H. F., *The Pennsylvania State Constitution and Local Government*, 165-169 cited, 165
- Allen, H. K., cited, 134
- AMENDMENT AND REVISION OF STATE CONSTITUTIONS, Charles C. Rohlfsing, 180-187
- Appropriations: Pennsylvania Constitutional restrictions upon, 46-47
used to curry political favor, 44
- Aristotle, 97
quoted, 125
- Ashburner, Charles E., 159
- Baldwin, Stanley, 78
- Beyer, William C., cited, 82, 84
- Bibliography, re state constitutions, 134
- Bills of rights
features needing revision (Pennsylvania): indictment provision, 34-35
jury provision, 35-38
rights of accused persons, 32-34
retention of: reasons for, 28-32, 38
recommended, 40
weaknesses of, 3, 5-6
in Pennsylvania Constitution, 27-28
- Black, Henry C., 33
- Black, Jeremiah S., 15
- Blog, Leon, cited, 88
- Borrowing powers
of local governments: abuse of, 119
limitation of, 119, 120-121
methods of, 121-124
Pennsylvania, 140-141, 168-169, 177-178
of State of Pennsylvania: compared with those of other states, 131
inadequacy of, 23, 115-116
limitation of, necessary, 23, 43-46, 115-116, 140, 141
suggested provision for, 133-134, 140
of various states, 46
abuse of, 118
constitutional limitation of, 118, 119-120, 131-133
avoided by amendments, 183-184
necessity for, 121
See also Public debt
- Brandeis, Louis D., 156
- Bryce, James, quoted, 39
cited, 62
- Buchanan, James A., 36
- Budget requirements of Pennsylvania, 116
- Burke, Edmund, 91
- CALLENDER, CLARENCE N., *The Shackled Judiciary*, 100-114
- Cardozo, Benjamin N., 156
- CARTER, EDWARD W., *The Pennsylvania Constitution and Finance*, 125-134
cited, 134, 165, 183, 184
- Childs, R. W., cited, 76
- CITY IN THE STATE CONSTITUTION, THE, Clarence G. Shenton, 170-179
- Clark, Jane Perry, 145
- COMMONWEALTH IN BONDAGE, A. M. Clyde Sheaffer, 115-117
- CONSTITUTION AND PROGRESS, THE, John Dickinson, 11-18
- CONSTITUTION AND SOCIAL SECURITY, THE, Thomas Reed Powell, 149-158
- CONSTITUTION AND THE LEGISLATURE, THE, William A. Schnader, 39-49
- Constitutions
amendment and revision of: as checking judicial power, 16
caution needed in, 135
initiative by petition, 181-182
provisions for: by states, 180-187
suggested, 9-10
American experience in making, 1
as related to changing conditions, 11
Federal compared with state, 13, 14, 15, 20, 21-22, 39-40
functions of, 12, 19, 111, 141
Pennsylvania: amendments, dates of, 135
provisions of, regarding: amendment, 116, 126, 181, 186
appropriations, 46, 126
borrowing power, 23, 43-46, 115-116, 126, 139-141, 168-169
elections, 23, 168
judiciary, 22, 47, 111, 167
legislative procedure, 40-42, 138
local government, 47-48, 140-141, 165-169
special and local legislation, 42-43, 137
State government, 47
taxation, 24, 43, 115, 126, 128, 138-139
revision of: needed, 142, 145, 165-169
not needed, 40, 138, 139
suggestions for, 20-25, 41-43, 47-48, 113-114, 116, 171-179
special features in each constitution, 135-137
state: colonial origin of, 2-3
excessive details in, 3-4, 9, 13-14, 48
political philosophy underlying, 2, 32, 39
suggested improvements in, 5-10
trends in, 180, 183
subject to judicial interpretation, 149
See also Bills of rights
Corruption in public service, 40

- avoided by unicameral legislature, 55-56
- fostered by bicameral legislature, 54-56
- Court decisions: bias of, 150-151
 - re Child Labor Tax, 155
 - re commerce clause, 29
 - re due process, 5, 15, 17
 - re extradition of fugitives, 6
 - re national grants-in-aid, 154-155
 - re powers of taxation in Pennsylvania, 43, 115, 128, 138-139
 - re Railroad Retirement Act, 150-154
 - re separation of powers, 14
 - re special authorities, 177
 - re state governmental powers, 15
 - unpredictability of, 149-150
- See also Judicial review
- Criminal prosecution: detection of criminality, 33-34
 - extradition of fugitives, 6, 71
 - legal rights of accused persons, 32-34
- See also Jury
- CUSHMAN, ROBERT E., Our Antiquated Judicial System, 90-96
- Dealey, James Q., Jr., 145
- Democracy, principles of, 74, 79
- DICKINSON, JOHN, The Constitution and Progress, 11-18
- Dingeman, Judge, 106
- DOES THE BILL OF RIGHTS NEED REVISION, Herbert F. Goodrich, 27-38
- Dorr, Harold, quoted, 75
- Earle, George H., 25
 - quoted, 145
- EDMONDS, FRANKLIN SPENCER, Fiscal Aspects of Constitutional Revision, 135-141
- ELECTION OR APPOINTMENT OF PUBLIC OFFICIALS, James Kerr Pollock, 74-79
- Electoral system
 - improvements in, suggested, 76-77, 91-92
 - benefits of, 77-78
 - Pennsylvania laws, revision of needed, 23, 168
 - weaknesses of, 74
 - ballots too large, 75
 - elective offices too many, 75-76, 178-179
- See also Machine politics
- Emergency legislation: constitutional handicaps upon, 41, 142-143
 - dangers of, 138
- Erdman, Charles R., quoted, 183
- Executive organization (state): administrative reorganization, 64-66
 - governors: as related to the legislature, 68
 - court control of, 72-73
 - election of, 62
 - impeachment of, 71-72
 - powers of: appointment and removal, 21, 61-62, 64, 67
 - external relations, 70-71
 - historical development of, 59-62
 - increase of, recommended, 8, 77-79
 - military powers, 70
 - pardoning power, 71
 - veto power, 60-61, 68-70
 - qualifications for, 63
 - recall of, 72
 - reelection of, 21, 63
 - salaries of, 63
 - terms of, 62-63
 - in Pennsylvania, 20-21
 - officials other than governors, 63-64
- EXECUTIVE POWER IN THE STATE CONSTITUTION, THE, John A. Fairlie, 59-73
- FAIRLIE, JOHN A., The Executive Power in the State Constitution, 59-73
- Farley, James, 74
- Federal assistance: to municipalities, disadvantages of, 161-163
 - to states: constitutionality of, 154-155
 - means of, 144, 146-148
 - obstacles to, 142-143, 145-146
- Ferguson, James E., 72
- FISCAL ASPECTS OF CONSTITUTIONAL REVISION, Franklin Spencer Edmonds, 135-141
- Ford, Henry Jones, cited, 75
- Foster, Roger, cited, 72
- Franklin, Benjamin, 13, 135
- Freud, Sigmund, 149
- Gilbert, W. S., 32
- GOODRICH, HERBERT F., Does the Bill of Rights Need Revision, 27-38
 - cited, 40
- Government employees: fallacies concerning, 80
 - merit system, 21, 61, 66
 - administration of, 81-82
 - constitutional or statutory provision for, 80-81
 - in local government, threatened by Federal intervention, 162-163
 - personnel agencies, 83-85
 - functions of, 85-86
 - Pennsylvania Personnel Bureau, 85
 - possible abuse of, 160
 - promotions, 87-88
 - recruitment policy, 86-87
 - removals, 88
- Government expenditures per capita, 140
- Governmental powers
 - centralization of, 144
 - alternatives to, 144
 - constitutional limitations upon, 15
 - separation of, 14, 39
- GRAFER, ELMER D., Public Employees and the Merit System, 80-89
- GRAVES, W. BROOKE, State Constitutional Provision for Federal-State Cooperation, 142-148

cited, 144
Greene, E. B., cited, 59
Greenhalge, F. T., cited, 71

Haines, Charles G., cited, 134
Hallett, George H., cited, 182
Hamilton, Alexander, cited, 109
quoted, 125
Holcombe, A. N., cited, 69
Holmes, Oliver Wendell, 30, 149
quoted, 31
House, E. A., 34
Hughes, Charles E., 61, 149, 156
Hunt, George Wylie Paul, 21

Ickes, Harold L., 159, 162
IDEAL STATE CONSTITUTION, AN, William B.
Munro, 1-10
Inbau, Fred E., cited, 34
Initiative and referendum, extension of, 9

Jackson, Andrew, 74, 136
Jay, John, cited, 125
Jefferson, Thomas, 2, 5, 28, 74
quoted, 26
Jensen, C., cited, 71
Johnson, John G., 149
Johnston, Henry S., 72
Judges: appointment of, recommended, 8, 97
election of: evils of, 106-107
in Detroit, 98-106
suggested improvements in, 91-92
See also Judiciary

Judicial interpretation, see Court decisions
Judicial reform

means of: administrative justices, 93-94
improved selection of judges, 91-92
judicial councils, 95-96
rule-making by courts, 94-95
unified court, 92-93, 112-113
obstacles to, 90-91
prospects of, 108

Judicial review: limitation of, 16
scope of, 151
value of, 16, 31
See also Court decisions

Judiciary, the: advisory opinions by, 22
constitutional provisions for: Federal, 109
Pennsylvania, 22, 47, 111
revision of needed, 113-114, 167
state, 109-111

controlled by politics, 97, 106
English, unification of, 112
See also Judges

Jury: changes in system, 36-37
trial with, 35-36
trial without, advantages of, 22
unanimous verdict of, unnecessary, 22, 37

Keeler, Leonarde, 34

Kettleborough, Charles, cited, 134
King, Clyde L., cited, 85, 86

La Follette, Philip F., 61
Lansburgh, Richard, cited, 85

Legislation: control of by special interests, 54-55

Municipal Bankruptcy Act, disadvantages of, 161-162

Railroad Retirement Act, discussion of, 150-154

See also Special and local legislation

Legislatures: governors' relations with, 68

historical background of, 50

legislators: nonpartisan election of, 57

weaknesses of, 40, 44

National Congress: structure of, 50-51

unicameral, impossible, 51

Pennsylvania constitutional restrictions upon, 40-49

popular distrust of, 39

procedure of, 40-42, 52-54

too large, 7-8, 58

See also One-House Legislature

LIMITATIONS ON STATE AND LOCAL BORROWING
POWERS, William J. Shultz, 118-124

Local government: council-manager plan, 159

dangers from: *ad hoc* agencies, 176-177

Federal assistance, 161-163

machine politics, 163

unsound public policy, 160-161

home rule, 17

in consolidated cities, 174-176

in counties, 160

threatened by Federal assistance, 161

in Pennsylvania

constitution as affecting: city government, 167, 172-177

county government, 165-166, 170-172

debt, local, 168-169, 177-178

elections, 168

judiciary, local, 167

reorganization of: integration problems, 172-174

needed, 47-48, 165

structure of, 42, 47-48

inefficiency of units, 17

progressive features: merit system, 160

research bureaus, 159

zoning and planning, 159-160

See also Borrowing powers

LOCAL GOVERNMENT MUDDLE, THE, Murray
Seasongood, 159-164

Lowell, A. Lawrence, quoted, 141

Lutz, H. L., cited, 130

McCulloch, James W., 36

Macdonald, A. F., cited, 130

Machine politics: and judicial administration, 97, 106

- as controlling elections, 99-106, 137
- evils of, 137, 163
- foreign element in, 104, 106
- Madison, James, 3, 59
- cited, 61, 125
- MARGIOTTI, CHARLES J., *Why We Must Revise the Pennsylvania Constitution*, 19-26
- Marshall, John, quoted, 180
- Marshall, Leon C., 37
- May, Samuel C., 142
- Medill, Joseph, 137
- Merit system, *see* Government employees
- Merriam, Charles E., cited, 77
- Model State Constitution, 1, 5
- provisions of: re amendment and revision, 187
- re criminal prosecutions, 37-38
- re executive organization, 67
- re governor's relations with the legislature, 69-70
- re removal of governors, 72
- Moley, Raymond, 37
- Montesquieu, Charles de Secondat de, 1
- Morey, William C., cited, 60, 180
- Moses, Robert, 162
- MUNRO, WILLIAM B., *An Ideal State Constitution*, 1-10
- Mussolini, Benito, 1
- Nicholson, Blake E., cited, 165
- NORRIS, GEORGE W., *The One-House Legislature*, 50-58
- Ogg, F. A., cited, 180
- ONE-HOUSE LEGISLATURE, THE, George W. Norris, 50-58
- arguments against, 7, 13
- arguments for, 7, 13, 52, 54, 55-56
- experience of other countries with, 8, 56
- OUR ANTIQUATED JUDICIAL SYSTEM, Robert E. Cushman, 90-96
- Paine, Thomas, quoted, 2
- Penn, William, 160
- Pennsylvania Constitution, *see* Constitutions—Pennsylvania
- PENNSYLVANIA CONSTITUTION AND FINANCE, THE, Edward W. Carter, 125-134
- PENNSYLVANIA STATE CONSTITUTION AND LOCAL GOVERNMENT, THE, H. F. Alderfer, 165-169
- Pepys, Samuel, 102
- PERRY, STUART H., *Shall We Appoint Our Judges*, 97-108
- Pliffner, John M., cited, 84
- Pinchot, Gifford, 138
- Plato, 1
- Politics, *see* Machine politics
- POLLOCK, JAMES KERR, *Election or Appointment of Public Officials*, 74-79
- Poore, Ben Perley, cited, 60
- POWELL, THOMAS REED, *The Constitution and Social Security*, 149-158
- Probst, J. B., cited, 88
- Proportional representation recommended, 23
- Public debt: local, 48, 119, 162, 168-169, 177-178
- national, size of, 45
- state, 118
- growth of, 130-131
- Pennsylvania, 44-45, 136, 184
- statistics of, 131
- See also* Borrowing powers
- PUBLIC EMPLOYEES AND THE MERIT SYSTEM, Elmer D. Graper, 80-89
- Ray, P. O., cited, 180
- Riddell, William Renwick, 95
- Ritchie, Albert C., 21
- ROHLFING, CHARLES C., *Amendment and Revision of State Constitutions*, 180-187
- cited, 126, 127, 134, 183, 184
- Roosevelt, Theodore, 61
- Rule-making by the courts: argument for, 22, 94-95
- SCHNADER, WILLIAM A., *The Constitution and the Legislature*, 39-49
- SEASONGOOD, MURRAY, *The Local Government Muddle*, 159-164
- Selden, John, 149
- SHACKLED JUDICIARY, THE, Clarence N. Calender, 109-114
- SHALL WE APPOINT OUR JUDGES, Stuart H. Perry, 97-108
- SHEAFFER, M. CLYDE, *A Commonwealth in Bondage*, 115-117
- SHENTON, CLARENCE G., *The City in the State Constitution*, 170-179
- Short, Oliver C., cited, 85
- SHULTZ, WILLIAM J., *Limitations on State and Local Borrowing Powers*, 118-124
- cited, 130, 134
- Smith, Ralph H., cited, 134
- Social security: Child Labor Tax decision, 155
- national grants-in-aid, 154-155
- necessity for provision of, 157-158
- Railway Pension Case decision, 150-154
- Social Security Act, constitutionality of, 155-156
- Special and local legislation
- prohibition of: by Pennsylvania Constitution, 42-43, 137
- by various state constitutions, 137
- ineffective, 173-174
- re consolidation of local governmental units, 172-173
- Sproul, William C., 20
- Spurgeon, John, 36
- STATE CONSTITUTIONAL PROVISION FOR FEDERAL-

- STATE COÖPERATION, W. Brooke Graves, 142-148
- State government: Pennsylvania structure of, 47
should be a business institution, 57-58
- Stevenson, Robert Louis, 159
- Stone, Harlan F., 156
- Sulzer, William, 72
- Taft, William H., 149
- Taxation
constitutional restrictions upon, 15
in Pennsylvania, 24, 43, 115, 168-169
income and inheritance taxes, provisions for,
by states, 127-130
program of, in Pennsylvania, 116-117
use of, for regulatory purposes, 155
- Telford, Fred, cited, 88
- Tocqueville, Alexis de, cited, 62
- Unicameral legislature, *see* One-House Legisla-
ture
- Veto power, *see* Executive organization—gover-
nors; Judicial review
- Waite, Henry M., 159
- Walker, Harvey, cited, 183
- Walton, John Calloway, 72
- Washington, George, 138
quoted, 135
- Weber, G. A., cited, 66
- West, Bradford W., cited, 165
- White, Leonard D., cited, 66, 83, 85, 87
- WHY WE MUST REVISE THE PENNSYLVANIA
CONSTITUTION, Charles J. Margiotti, 19-26
- Willauer, Philip B., cited, 165
- Willoughby, W. F., cited, 113
- Wilson, Woodrow, 61
quoted, 79
- Zoning and planning, growth of, 159-160